

gerent shall see himself continually and evidently the dupe of fraud and perjury. Under these circumstances, *it is competent* for him to establish rules, by force of which such cases shall be decided according to the fact, without regard to the testimony. He will *in consequence* issue an order broad enough to embrace his object." (P. 35.)

Thus at length is obtained the admission, that where there is a substantial, though not an apparent departure from neutrality, it is competent for the injured belligerent to issue an order broad enough to embrace and obtain the object of opposing such departure, and of counteracting such injury. This is sufficient to justify the prohibition, capture, and condemnation of a trade, indirectly carried on after the direct channel has been closed. This is sufficient to justify following the substance instead of the shadow, and all the variations in the instructions which have been resorted to, *in order* to meet the successive frauds and perjuries which commercial avarice, or a hollow neutrality, may have invented or practised, with the view of evading the letter of the law, while violating its spirit.

Unacquainted with the authority upon which captures are made, and erroneously concluding that the fact of war existing between two nations authorises the individual members of them to